

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION

KIM PARKMAN, et al.,

Plaintiffs,

v.

Action No. 3:08–CV–690

CARLTON NICHOLAS ELAM, et al.,

Defendants.

ORDER

THIS MATTER is before the Court on Defendant's Motion to Dismiss Amended Complaint (Docket No. 26), filed January 26, 2009. Defendants attack Plaintiffs' claims for Constructive Fraud, Fraud and Misrepresentation, Attorneys' Fees, and Punitive Damages. Plaintiffs voluntarily withdrew their cause of action based upon Virginia's Consumer Protection Act, and Defendants abandoned their challenge of Plaintiffs' "Veterinary Malpractice" claim.

Upon due consideration, for the reasons stated from the bench and provided in the Memorandum Opinion accompanying this Order, Defendants' Motion is hereby GRANTED. Plaintiffs' Constructive Fraud, Fraud and Misrepresentation, Punitive Damages, and Attorneys' Fees claims are hereby DISMISSED.

Let the Clerk send a copy of this Order to all counsel of record.

It is SO ORDERED.

/s/

James R. Spencer  
Chief United States District Judge

ENTERED this 17th day of March 2009